



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,661	04/02/2004	Marufa Kaniz	H1246	1039
29393 7590 12/18/2007 ESCHWEILER & ASSOCIATES, LLC NATIONAL CITY BANK BUILDING 629 EUCLID AVE., SUITE 1000 CLEVELAND, OH 44114			EXAMINER BAYOU, YONAS A	
			ART UNIT 2134	PAPER NUMBER
			NOTIFICATION DATE 12/18/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing@eschweilerlaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/816,661	<b>Applicant(s)</b> KANIZ ET AL.	
	<b>Examiner</b> Yonas Bayou	<b>Art Unit</b> 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10/19/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-12 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12 and 14-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Response to Arguments**

1. This office action is in response to applicant's response filed on 10/19/2007.
2. Claims 1-6, 8-12 and 14-22 are pending.
3. Claims 7 and 13 are cancelled.
4. Applicant's arguments have been fully considered.
5. Examiner, however, in light of the above submission, a new ground(s) of rejection is made in view of Dwork et al. Patent Number 6,963,946 B1.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 8-12 and 14-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Dwork et al. Patent Number 6,963,946 B1 (hereinafter Dwork).

Referring to claim 1, Dwork teaches a network interface system for interfacing a host system with a network to provide outgoing data from the host system to the network and to provide incoming data from the network to the host system, the network interface system comprising:

a bus interface system adapted to be coupled with a host bus in the host system and transfer data between the network interface system and the host system **[column 1, line 60 – column 2, line 11 and fig. 2];**

a media access control system adapted to be coupled with the network and to transfer data between the network interface system and the network **[column 13, lines 32-45 and fig. 2, which in turn coupled with the network];**

a memory system coupled with the bus interface system and the media access control system, the memory system being adapted to store incoming and outgoing data being transferred between the network and the host system **[column 9, lines 40-60 and figs. 1A and 1B];**

a security system coupled with the memory system, the security system being adapted to selectively encrypt outgoing data and to selectively decrypt incoming data **[column 14, lines 37-57 and fig. 2];** and

a descriptor management system coupled with the bus interface system and the security system, the descriptor management system being adapted to obtain

Art Unit: 2134

initialization vector information from the host system and to provide the initialization vector information to the security system **[column 13, lines 45-54; column 15, lines 19-33 and fig. 2]**.

Referring to claim 2, Dwork teaches a network interface system, wherein the security system comprises at least one transmit security processor adapted to selectively encrypt or selectively authenticate the outgoing data **[column 14, lines 37-57 and fig. 2]**.

Referring to claims 3 and 9, Dwork teaches a network interface system, wherein the initialization vector information indicates whether the outgoing data is to undergo cipher block chaining (CBC) encryption in the security system **[column 14, lines 37-57 and fig. 2]**.

Referring to claims 4, 5, 10, 11, 17 and 20, Dwork teaches a network interface system, wherein the at least one transmit security processor selectively employs an initialization vector (IV) from the outgoing data to perform CBC encryption according to the initialization vector information from the descriptor management system **[column 14, lines 37-57 and fig. 2; controller 102 comprises DMU 130]**.

Referring to claims 6, 8, 12, 14, 18, 19, 21 and 22, Dwork teaches a network interface system, wherein the initialization vector information indicates a length of an initialization vector in the outgoing data **[column 24, lines 49-59 and figs. 5E and 5F]**.

Referring to claim 15, Dwork teaches a method of encrypting outgoing data in a network interface system, the method comprising:

providing initialization vector information from a descriptor to a security system in a network interface system **[column 13, lines 45-54; column 15, lines 19-33 and fig. 2]**.

selectively encrypting or authenticating outgoing data using the security system **[column 14, lines 37-57 and fig. 2]**; and

selectively employing an initialization vector (IV) from the outgoing data to perform CBC encryption or authentication of the outgoing data according to the initialization vector information **[column 14, lines 37-57 and fig. 2]**.

Referring to claim 16, Dwork teaches a method of encrypting outgoing data in a network interface system, wherein providing the initialization vector information comprises:

reading a transmit descriptor from a host system **[column 13, lines 45-65, figs. 2, 4 and 5A-5J]**; and

providing initialization vector information from the transmit descriptor to the security system **[column 23, lines 15-42]**.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonas Bayou whose telephone number is 571-272-7610. The examiner can normally be reached on m-f, 7:30-5:00.

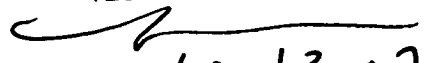
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yonas Bayou

12/13/2007

NASSER MOAZZAMI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

  
12,13,07